

**WEDNESDAY, MAY 14, 2003**

**FORTIETH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

**PRAYER**

The proceedings were opened with prayer by Tim Johnson of Bethel World Outreach Center in Brentwood, Tennessee, a guest of Senator Bryson.

**PLEDGE OF ALLEGIANCE**

Senator Bryson led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

**STANDING COMMITTEE REPORTS**

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 38 with amendment, 60 with amendment, 61, 63, 168 with amendment, 263, 422 with amendment, 626, 692 with amendment, 728 with amendment, 885 with amendment, 1149 with amendment, 1197, 1369 with amendments, 1372 with amendment, 1374, 1450 with amendment, 1530 with amendment, 1583, 1595 with amendment, 1773, 1857 with amendment, 1913 with amendment, 1929 with amendment and 1981; and House Joint Resolution No. 425.

HENRY, Chairperson  
May 13, 2003

The Speaker announced that he had referred Senate Bills Nos. 38 with amendment, 60 with amendment, 61, 63, 168 with amendment, 263, 422 with amendment, 626, 692 with amendment, 728 with amendment, 885 with amendment, 1149 with amendment, 1197, 1369 with amendments, 1372 with amendment, 1374, 1450 with amendment, 1530 with amendment, 1583, 1595 with amendment, 1773, 1857 with amendment, 1913 with amendment, 1929 with amendment and 1981; and House Joint Resolution No. 425 to Committee on Calendar.

**STATE AND LOCAL GOVERNMENT**

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 328 with amendment, 337 with amendment, 433 with amendment, 634 with amendment, 683, 887 with amendment, 902, 1092, 1671 with amendment, 1728 with amendment, 1782 with amendment, 1960 with amendment and 1998; Senate Joint Resolutions Nos. 259 and 260; and House Joint Resolution No. 32.

COHEN, Chairperson  
May 13, 2003

The Speaker announced that he had referred Senate Bills Nos. 328 with amendment, 337 with amendment, 433 with amendment, 634 with amendment, 683, 887 with amendment, 902, 1092, 1671 with amendment, 1728 with amendment, 1782 with amendment, 1960 with amendment and 1998; Senate Joint Resolutions Nos. 259 and 260; and House Joint Resolution No. 32 to Committee on Calendar.

**COMMERCE, LABOR AND AGRICULTURE**

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1090 with amendment; and Senate Joint Resolution No. 321; also, recommend that Senate Bill No. 1371 with amendment be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson  
May 13, 2003

The Speaker announced that he had referred Senate Bill No. 1090 with amendment; and Senate Joint Resolution No. 321 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 1371 with amendment to Committee on Finance, Ways and Means.

**JUDICIARY**

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 268 with amendment, 610 with amendment, 1008 with amendment and 1198 with amendment; also, recommend that Senate Bill No. 2017 be referred to Committee on Finance, Ways and Means.

PERSON, Chairperson  
May 13, 2003

The Speaker announced that he had referred Senate Bills Nos. 268 with amendment, 610 with amendment, 1008 with amendment and 1198 with amendment to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2017 to Committee on Finance, Ways and Means.

**EDUCATION**

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and return to the Clerk's desk: Senate Resolution No. 71.

McNALLY, Chairperson  
May 14, 2003

The Speaker announced that he had referred Senate Resolution No. 71 to the Clerk's desk.

**FINANCE, WAYS AND MEANS**

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 226, 350 with amendment, 907 with amendment, 1344, 1527 with amendments, 1665 with amendment and 1858 with amendments.

HENRY, Chairperson  
May 14, 2003

The Speaker announced that he had referred Senate Bills Nos. 226, 350 with amendment, 907 with amendment, 1344, 1527 with amendments, 1665 with amendment and 1858 with amendments to Committee on Calendar.

**GOVERNMENT OPERATIONS**

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1640, 1648 and 1848.

HARPER, Chairperson  
May 14, 2003

The Speaker announced that he had referred Senate Bills Nos. 1640, 1648 and 1848 to Committee on Calendar.

**PRESENTATION**

Senator Crutchfield presented **Senate Joint Resolution No. 392** to Billy Borchert.

**MOTION**

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 392**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Joint Resolution No. 392** -- Memorials, Professional Achievement -- Billy Borchert, Business Manager of Plumbers & Pipefitters Local Union 572.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 392** was adopted by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

### **INTRODUCTION OF BILLS**

The Speaker announced that the following bills were filed for introduction and passed first consideration:

**Senate Bill No. 2034** by Mr. Speaker Wilder.

Bells -- Subject to local approval, creates office of vice mayor; provides for election and specifies duties. Amends Chapter 80 of the Private Acts of 1993.

**Senate Bill No. 2035** by Senator Crowe.

Jonesborough -- Subject to local approval, transfers authority over town recorder from board of mayor and aldermen to town administrator, authorizes creation of second city judge or assistant city judge. Amends Chapter 135 of the Acts of 1903; as amended.

### **HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 774** -- Traffic Safety -- Requires certain trailers to bear rear tail lamps. Amends TCA Title 55, Chapter 9, Part 4.

**House Bill No. 812** -- Correctional Programs -- Authorizes TRICOR to develop policy for sale of products to state, city and county employees; requires TRICOR to designate 2 percent of such sales to inmate educational programs. Amends TCA Section 41-22-116.

**House Bill No. 859** -- Child Custody and Support -- Excuses parent from strict compliance with terms of visitation order under certain limited circumstances. Amends TCA Title 36, Chapter 6.

**House Bill No. 1001** -- Public Records -- Permits removal of social security number from public records under certain conditions. Amends TCA Title 8, Chapter 13 and Title 10, Chapter 7, Part 5.

**House Bill No. 1341** -- TennCare -- Revises Medicaid subrogation statute. Amends TCA Section 71-5-117.

**House Bill No. 1473** -- Emergency Communications Districts -- Provides for payment of emergency communications fee by certain mobile radio service providers or retailers. Amends TCA Section 7-86-108.

**House Bill No. 1665** -- Basic Education Program (BEP) -- Authorizes certain units of local government to establish inner city educational enhancement pilot project; authorizes participation of certain school systems. Amends TCA Title 49, Chapter 1, Part 1 and Title 49, Chapter 1, Part 6.

**House Bill No. 1806** -- Election Laws -- Provides procedure for casting and counting provisional ballots; redefines "evidence of identification". Amends TCA Title 2, Chapter 5; Title 2, Chapter 6 and Title 2, Chapter 7.

**House Bill No. 1846** -- Homestead Exemptions -- Provides enhanced homestead exemption for persons 62 years of age or older. Amends TCA Title 26.

**House Bill No. 2056** -- Insurance Companies, Agents, Brokers, Policies -- Allows Commissioner of Commerce and Insurance to allow or require filing of documents with commissioner through designated filing depository; creates fee for additional rate filings; makes other various revisions to insurance provisions. Amends TCA Title 56.

### **INTRODUCTION OF RESOLUTIONS**

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 438** by Senator Herron.

Memorials, Academic Achievement -- Leigh Danielle Nunnery, Salutatorian, Camden High School.

**Senate Joint Resolution No. 439** by Senator Williams.

Memorials, Interns -- Mary Ann Riddle.

**Senate Joint Resolution No. 440** by Senator Williams.

Memorials, Recognition -- Lynn Parker, Outstanding Community Service.

**Senate Joint Resolution No. 441** by Senator Herron.

Memorials, Academic Achievement -- John William Carruth, Valedictorian, Camden Central High School.

**Senate Joint Resolution No. 442** by Senator Herron.

Memorials, Academic Achievement -- Whitney Howerton, Valedictorian, Lake County High School.

**Senate Joint Resolution No. 443** by Senator Herron.

Memorials, Academic Achievement -- Jamie Pierce, Salutatorian, Lake County High School.

**Senate Joint Resolution No. 444** by Senator Herron.

Memorials, Personal Occasion -- Lucille Jones Gardner, 100th birthday.

**Senate Joint Resolution No. 445** by Senator Cooper.

Memorials, Academic Achievement -- JoeAnna Sanders, Valedictorian, Faith Missionary Academy.

**Senate Joint Resolution No. 446** by Senator Cooper.

Memorials, Academic Achievement -- Zack Meeks, Salutatorian, Faith Missionary Academy.

**Senate Joint Resolution No. 447** by Senator Crowe.

Memorials, Professional Achievement -- James H. Quillen College of Medicine.

**Senate Resolution No. 87** by Senator McLeary.  
Memorials, Retirement -- Dr. Tom Campbell.

**Senate Resolution No. 88** by Senator Norris.  
Memorials, Professional Achievement -- Mary Ann McNeil, Tennessee PTA Outstanding Principal.

**RESOLUTIONS LYING OVER**

**House Joint Resolution No. 544** -- Memorials, Interns -- Troy Senik.

The Speaker announced that he had referred House Joint Resolution No. 544 to Committee on Calendar.

**House Joint Resolution No. 545** -- Memorials, Personal Occasion -- Bobby and Mary Esch, 50th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 545 to Committee on Calendar.

**House Joint Resolution No. 546** -- Memorials, Professional Achievement -- Dr. Joe T. Walker.

The Speaker announced that he had referred House Joint Resolution No. 546 to Committee on Calendar.

**House Joint Resolution No. 547** -- Memorials, Academic Achievement -- University of Tennessee College of Law's Black Law Student Association.

The Speaker announced that he had referred House Joint Resolution No. 547 to Committee on Calendar.

**House Joint Resolution No. 549** -- Memorials, Personal Occasion -- Mr. and Mrs. William Greenlee, 60th wedding anniversary.

The Speaker announced that he had referred House Joint Resolution No. 549 to Committee on Calendar.

**House Joint Resolution No. 550** -- Memorials, Personal Occasion -- Mr. and Mrs. Clyde Cates, 61st anniversary.

The Speaker announced that he had referred House Joint Resolution No. 550 to Committee on Calendar.

**House Joint Resolution No. 551** -- Memorials, Public Service -- Eddie Rowe, President of Tennessee Pharmacists Association.

The Speaker announced that he had referred House Joint Resolution No. 551 to Committee on Calendar.

**House Joint Resolution No. 552** -- Memorials, Personal Achievement -- James West, Eagle Scout.

**WEDNESDAY, MAY 14, 2003 -- 40TH LEGISLATIVE DAY**

The Speaker announced that he had referred House Joint Resolution No. 552 to Committee on Calendar.

**House Joint Resolution No. 553** -- Memorials, Recognition -- Veterans Flag Memorial Dedication in Madisonville, May 17, 2003.

The Speaker announced that he had referred House Joint Resolution No. 553 to Committee on Calendar.

**House Joint Resolution No. 554** -- Memorials, Academic Achievement -- Amy L. England, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 554 to Committee on Calendar.

**House Joint Resolution No. 555** -- Memorials, Academic Achievement -- Heather Paige Jessee, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 555 to Committee on Calendar.

**House Joint Resolution No. 556** -- Memorials, Academic Achievement -- Holly Nicole Jessee, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 556 to Committee on Calendar.

**House Joint Resolution No. 557** -- Memorials, Academic Achievement -- Justin Mitchell, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 557 to Committee on Calendar.

**House Joint Resolution No. 558** -- Memorials, Academic Achievement -- James Eric Russell, Valedictorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 558 to Committee on Calendar.

**House Joint Resolution No. 559** -- Memorials, Academic Achievement -- Clayton Humphrey, Salutatorian, Union County High School.

The Speaker announced that he had referred House Joint Resolution No. 559 to Committee on Calendar.

**Senate Joint Resolution No. 428** -- Memorials, Death -- Gerhard G. Ruetz.

The Speaker announced that he had referred Senate Joint Resolution No. 428 to Committee on Calendar.

**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement -- Laura Hitchcock, Salutatorian, Overton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 429 to Committee on Calendar.

**Senate Joint Resolution No. 430** -- Memorials, Academic Achievement -- Brooke Leigh Carey, Valedictorian, Overton High School.

The Speaker announced that he had referred Senate Joint Resolution No. 430 to Committee on Calendar.

**Senate Joint Resolution No. 431** -- Memorials, Death -- Maurice Roberts.

The Speaker announced that he had referred Senate Joint Resolution No. 431 to Committee on Calendar.

**Senate Joint Resolution No. 433** -- Memorials, Congratulations -- Future Problem Solving Program team from Wilson County.

The Speaker announced that he had referred Senate Joint Resolution No. 433 to Committee on Calendar.

**Senate Joint Resolution No. 434** -- Memorials, Death -- Dale Dyke.

The Speaker announced that he had referred Senate Joint Resolution No. 434 to Committee on Calendar.

**Senate Joint Resolution No. 435** -- Memorials, Interns -- Lisa Boaz.

The Speaker announced that he had referred Senate Joint Resolution No. 435 to Committee on Calendar.

**Senate Joint Resolution No. 436** -- Memorials, Recognition -- James H. Quillen Veterans Affairs Medical Center, 100th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 436 to Committee on Calendar.

**Senate Resolution No. 71** -- General Assembly, Confirmation of Appointment -- Walter Knestrick, Commissioner of Watkins Institute.

The Speaker announced that he had referred Senate Resolution No. 71 to Committee on Calendar.

**Senate Resolution No. 84** -- Memorials, Academic Achievement -- Celeste Nicole Smith, Salutatorian, Montgomery Christian Academy.

The Speaker announced that he had referred Senate Resolution No. 84 to Committee on Calendar.



**Senate Resolution No. 85** -- Memorials, Interns -- Willie Stokes, Jr.

The Speaker announced that he had referred Senate Resolution No. 85 to Committee on Calendar.

**Senate Resolution No. 86** -- Memorials, Professional Achievement -- Dr. Deborah DiStefano.

The Speaker announced that he had referred Senate Resolution No. 86 to Committee on Calendar.

**MOTION**

Senator Henry moved that **Senate Bill No. 690** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

**MOTION**

Senator Norris moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 88**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**Senate Resolution No. 88** -- Memorials, Professional Achievement -- Mary Ann McNeil, Tennessee PTA Outstanding Principal.

On motion of Senator Norris, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 88** was adopted.

A motion to reconsider was tabled.

**REFERRAL**

Senator Crowe announced that pursuant to Rule 31 the following bills were referred to the Committee on Finance, Ways and Means: **Senate Bills Nos. 440, 920, 1660 and 1834**.

**MOTION**

Senator Crutchfield moved that the rules be suspended for the purpose of considering the calendar next to hear **Senate Bill No. 1991**, out of order, which motion prevailed.

**CALENDAR**

Senator Crutchfield moved that **Senate Bill No. 1991** be placed on the calendar for Wednesday, May 21, 2003, which motion prevailed.

**NOTICE**

Pursuant to Rule 44, notice was given that the following bill was returned from the House of Representatives amended. Under the rule, the bill lies over.

**MESSAGE FROM THE HOUSE**

May 12, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1288, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 12, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1. The Speaker appointed a Conference Committee composed of Representatives Newton, Hagood, McMillan, Miller and Ulysses Jones to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 1.

BURNEY T. DURHAM,  
Chief Clerk.

Senator Cohen moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 1**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE  
CONFERENCE COMMITTEE**

**ON**

**SENATE BILL NO. 1**

The Speaker announced the appointment of a Conference Committee composed of Senators Cohen, Chairperson; Clabough, Crutchfield, Kurita and Miller to confer with a like committee from the House to resolve the differences of the two Bodies on **Senate Bill No. 1**.

**CONSENT CALENDAR**

**House Joint Resolution No. 540** -- Memorials, Recognition -- Alan Corley, Tennessee Board of Pharmacy.

**House Joint Resolution No. 541** -- Memorials, Professional Achievement -- Thomas A. Varlan, TACIR.

**Senate Joint Resolution No. 410** -- Memorials, Academic Achievement -- Andrew Luke Puthoff, Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 411** -- Memorials, Academic Achievement -- Tiffany Diane Chambers, Co-Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 412** -- Memorials, Academic Achievement -- Katelan Marie Crawford, Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 413** -- Memorials, Academic Achievement -- James Ryan Hamdorff, Valedictorian, Harpeth High School.

**Senate Joint Resolution No. 414** -- Memorials, Academic Achievement -- Patti Carter, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 415** -- Memorials, Academic Achievement -- Emily Sims, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 416** -- Memorials, Academic Achievement -- Rachel Rogers, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 417** -- Memorials, Academic Achievement -- Katherine Joanne Smith, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 418** -- Memorials, Academic Achievement -- Ryan Robinson, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 419** -- Memorials, Academic Achievement -- Robert A. Wilkinson III, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 420** -- Memorials, Academic Achievement -- Audra Carol LaFevers, Co-Valedictorian, Huntland High School.

**Senate Joint Resolution No. 421** -- Memorials, Academic Achievement -- Rebekah Stovall, Salutatorian, Huntland High School.

**Senate Joint Resolution No. 422** -- Memorials, Academic Achievement -- Dara Alicia May, Salutatorian, Huntland High School.

**Senate Joint Resolution No. 423** -- Memorials, Academic Achievement -- Ashley Nicole Limbaugh, Salutatorian, Huntland High School.

**Senate Joint Resolution No. 424** -- Memorials, Academic Achievement -- Ashley Forsythe, Salutatorian, Sycamore High School.

**Senate Joint Resolution No. 425** -- Memorials, Academic Achievement -- Sharon Elizabeth Williams, Co-Valedictorian, Sycamore High School.

**Senate Joint Resolution No. 426** -- Memorials, Death -- James Hires Dunn.

**Senate Joint Resolution No. 427** -- Memorials, Professional Achievement -- Jonathan I. Charney, Lifetime Achievement.

**Senate Joint Resolution No. 428** -- Memorials, Death -- Gerhard G. Ruetz.

**Senate Joint Resolution No. 429** -- Memorials, Academic Achievement -- Laura Hitchcock, Salutatorian, Overton High School.

**Senate Joint Resolution No. 430** -- Memorials, Academic Achievement -- Brooke Leigh Carey, Valedictorian, Overton High School.

**Senate Joint Resolution No. 431** -- Memorials, Death -- Maurice Roberts.

**Senate Resolution No. 80** -- Memorials, Academic Achievement -- Tulisha Jackman, Salutatorian, Northeast High School.

**Senate Resolution No. 81** -- Memorials, Academic Achievement -- Sung Min Kim, Valedictorian, Kenwood High School.

**Senate Resolution No. 82** -- Memorials, Academic Achievement -- Jonathan Wrenn, Valedictorian, Montgomery Christian Academy.

**Senate Resolution No. 83** -- Memorials, Academic Achievement -- Erika Collins, Valedictorian, Northeast High School.

**Senate Resolution No. 84** -- Memorials, Academic Achievement -- Celeste Nicole Smith, Salutatorian, Montgomery Christian Academy.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

### CALENDAR

Senator Crowe moved that **Senate Resolution No. 72** be considered out of order, which motion prevailed.

**Senate Resolution No. 72** -- Memorials, Interns -- Amanda Boles.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

### MOTION

Senator Person moved that **Senate Bill No. 792** be returned to the House, which motion prevailed.

### CALENDAR

**Senate Bill No. 939** -- Child Custody and Support -- Directs court to consider custodial parent failure to adhere to visitation order or visitation provisions in parenting plan as grounds for change in custody in favor of non-custodial parent. Amends TCA Title 36.

On motion, Senate Bill No. 939 was made to conform with **House Bill No. 1080**.

On motion, House Bill No. 1080, on same subject, was substituted for Senate Bill No. 939.

Senator Person moved that Amendment No. 1 be withdrawn.

Thereupon, **House Bill No. 1080** passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 31 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 1262** -- Education -- Revises obsolete language relative to teacher in-service training requirements. Amends TCA Title 49.

Senator McNally moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all provisions of the bill following the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 7, Part 25, the "Taylor Plan", is deleted in its entirety.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 7, Part 28, the "Tennessee Student Employment Incentive Program", is deleted in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-4-703, the loan-scholarship program for medical and osteopathic students, is deleted in its entirety.

SECTION 4. The Tennessee Code Commission is requested to delete any references to the programs deleted in this act as sections are amended or volumes are replaced.

SECTION 5. This provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1262**, as amended, passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 31 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 1395** -- Public Records -- Permits employees of Departments of Children's Services and Correction or their representatives to have access to confidential investigative records prior to any due process hearing where disciplinary action is considered or issued. Amends TCA Title 10, Chapter 7, Part 5.

On motion, Senate Bill No. 1395 was made to conform with **House Bill No. 1231**.

On motion, House Bill No. 1231, on same subject, was substituted for Senate Bill No. 1395.

Senator Kilby moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Cohen moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1231** passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 30 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**Senate Bill No. 1805** -- Mental Illness -- Removes requirement that sheriff consult with county executive before designating secondary transportation agent for transporting persons with mental illness; requires county to pay for training provided by department on mental health crisis management. Amends TCA Section 33-6-901.

On motion, Senate Bill No. 1805 was made to conform with **House Bill No. 1726**.

On motion, House Bill No. 1726, on same subject, was substituted for Senate Bill No. 1805.

Senator Ford moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1726** passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 32 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 1935** -- Health Care -- Requires division of health related boards to publish via Internet directory of persons licensed to practice any branch of healing arts. Amends Tennessee Code Annotated, Title 63.

Senator Ford moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-1-117, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a)(1)(A) As used in this subsection the term "health care providers" shall mean all health care providers, establishments or facilities licensed, registered, certified or permitted pursuant to Tennessee Code Annotated, Title 63 or Title 68 and regulated either under the authority of the Department of Health or by any agency, board, council, or committee attached to the department.

(B) Notwithstanding the provisions of Tennessee Code Annotated, Section 63-2-101 (b) (2), records of all health care providers shall be made available for inspection and copying upon presentation of an authorization for release signed by the patient or his or her legal representative, or without an authorization for release when a written request that meets each of the following three (3) requirements is made:

(i) The request specifically identifies the records to be made available by patient(s) name(s), except for requests made of those facilities regulated by the board for licensing health care facilities which shall be specific to either patient(s) name(s), diagnosis, medical condition, treatment, admission or discharge dates, or outcomes.

(ii) The request is made in good faith pursuant to the department's responsibility for oversight of the health care system by any one of the following:

(a) An investigator employed by the Department of Health performing the duly authorized function of investigation of complaints filed against health care providers licensed pursuant to Tennessee Code Annotated, Title 63 or Title 68, Chapters 24, 29, or 140; or

(b) An inspector employed or authorized by contract with the Department of Health to perform any statutorily authorized inspection of any establishment or premises operated by a health care provider licensed pursuant to Tennessee Code Annotated, Title 63 or Title 68, Chapters 24, 29, or 140; or

(c) A surveyor employed by the Department of Health performing the duly authorized function of investigation of complaints filed against, or surveys required to be conducted of, health care providers licensed pursuant to Tennessee Code Annotated, Title 68, regulated by the board for licensing health care facilities.

(iii)(a) The request is accompanied by a statement signed by a designated member of that board, council or committee regulating the health care providers whose records are requested, acting as an independent reviewer, that affirms, after review of the necessary information, that the request is made in good faith in response to or in aid of a verified complaint or required survey or inspection that requires production of the records for their resolution. Those boards, councils and committees regulating health care providers as defined by this section shall designate one of their licensed members to review and make an independent determination of the necessity for the production of the records.

(b) If the request is on behalf of a health related profession the enforcement powers of which resides either with the Department of Health or the division of health related boards, the request must be accompanied by the statement required by this subdivision signed by a licensed member of that profession, acting as an independent reviewer, who is not an employee of the state and who affirms, after review of the necessary information, that the request is made in good faith in response to or in aid of a verified complaint, or required survey or inspection that requires production of the records for their resolution. The provisions of subsection (b) of this section shall apply to any licensed individual.

(c) If the independent reviewer makes a determination that access to patient records is necessary a determination shall also be made, prior to issuing the statement required by this subdivision, whether under the circumstances an authorization for release shall first be sought from the patient(s) involved and the amount of time within which the release(s) should be obtained. The independent reviewer in making this determination shall take into account all relevant factors including, but not limited to, the nature of the complaint and the potential harm to a provider or a provider's practice as compared to the public health, safety, and welfare issues



involved. If the request for an authorization for release is refused by a patient or the patient's legal representative or is not obtainable after good faith efforts within the period of time specified by the independent reviewer then the statement authorizing access without a release for that patient's record may be issued.

(d) The statement required by this subdivision is not required for those facilities regulated by the board for licensing health care facilities required by federal law to produce their records for inspection.

(C) This section shall not apply to records that are made statutorily confidential to the public or to records that are statutorily privileged. Records that are made statutorily confidential to the public shall require for their production either a release signed by the patient, or his or her legal representative, or a lawful subpoena. Records that are made statutorily privileged shall require for their production a release that specifically identifies the privilege, contains a statement that the privilege is waived, and that is signed by the patient or his or her legal representative.

(2) Any health care provider and representative of any health care provider, who furnishes records to a duly authorized representative of the Department of Health shall be immune from liability to any patient, individual or organization for furnishing such information, data, reports or records, or for damages resulting from any decision, opinion, action and proceedings rendered, entered or acted upon by the Department of Health, if the information or other records or documents provided were provided or created in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

(3) Willfully disregarding a lawful request pursuant to this section is grounds for disciplinary action and or civil penalty assessments against any licensed health care provider before either the department, division of health related boards, or applicable professional licensure board, council or committee.

SECTION 2. This act shall take effect upon becoming law the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1935**, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 32 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron,

Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 1939** -- Paternity -- Revises present law provisions that child's surname is to be legal surname of mother in cases where mother not married at time of either conception or birth, or between conception, and birth and in all cases not covered by statute to instead provide that child's surname may be mother's legal surname, mother's maiden surname, or a combination thereof. Amends Tennessee Code Annotated, Section 68-3-305.

On motion, Senate Bill No. 1939 was made to conform with **House Bill No. 2041**.

On motion, House Bill No. 2041, on same subject, was substituted for Senate Bill No. 1939.

Senator Person moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 2041** passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 31 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 1977** -- Transportation, Dept. of -- Removes requirement that General Assembly authorize reorganization, creation, or elimination of any departmental units after July 1, 1981. Amends Tennessee Code Annotated, Section 4-3-2303(6).

On motion, Senate Bill No. 1977 was made to conform with **House Bill No. 2013**.

On motion, House Bill No. 2013, on same subject, was substituted for Senate Bill No. 1977.

Senator Williams moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Williams moved that Amendment No. 2 be withdrawn, which motion prevailed.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-3-2303, is amended by deleting item (6) in its entirety and by substituting instead the following:

(6) Organize the department into such units as the commissioner deems necessary to carry out the duties and functions imposed on the commissioner and the department; any reorganization or creation or elimination of any units after July 1, 2003, shall be jointly reviewed by the officers of the House and Senate Finance, Ways and Means Committees and the officers of the House and Senate Transportation Committees, it being the intent of the General Assembly to recognize the organization of the department as of July 1, 2003, as the legal organization of the department.

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

Thereupon, **House Bill No. 2013**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 2014** -- Claiborne County -- Subject to local approval, imposes wheel tax.

On motion, Senate Bill No. 2014 was made to conform with **House Bill No. 2091**.

On motion, House Bill No. 2091, on same subject, was substituted for Senate Bill No. 2014.

Senator Williams moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the following language in Section 1:

" , which tax shall be in the amount of thirty dollars (\$30.00)".

On motion, the amendment was adopted.

Thereupon, **House Bill No. 2091**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 30  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Fowler moved that **House Bill No. 843** be placed on the calendar for Thursday, May 15, 2003, which motion prevailed.

**Senate Bill No. 191** -- Workers' Compensation -- Changes reference to county executive's opinion concerning whether injured worker is justified in not returning to work to opinion of court with jurisdiction. Amends TCA Section 50-6-207.

On motion, Senate Bill No. 191 was made to conform with **House Bill No. 456**.

On motion, House Bill No. 456, on same subject, was substituted for Senate Bill No. 191.

Thereupon, **House Bill No. 456** passed its third and final consideration by the following vote:

Ayes ..... 31  
Noes ..... 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 1088** be placed at the heel of the calendar for today, which motion prevailed.

**Senate Bill No. 1444** -- Tennessee Bureau of Investigation -- Provides that if \$15.00 portion of handgun carry permit fee allocated to TBI is used for three consecutive months for purposes other than updating and maintaining fingerprint criminal history data base, such portion of permit fee is repealed. Amends TCA Title 8; Title 38; Title 39; Title 40 and Title 41.

Senator Person moved that Amendment No. 1 be withdrawn, which motion prevailed.

Senator Person moved to amend as follows:

#### AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-15-105(a)(1)(B)(ii), is amended by adding the following as a new appropriately lettered item:

( ) Sexual battery by an authority figure, as described in § 39-13-527.

SECTION 2. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(ii), is amended by adding the following as a new appropriately lettered item:

( ) Sexual battery by an authority figure, as described in § 39-13-527.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1444**, as amended, passed its third and final consideration by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 32 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 1687** -- Courts, General Sessions -- Extends length of time for appeal from judgment in civil action from 10 entire days to 10 business days. Amends TCA Title 27.

Senator Person moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

Section 27-1-124. Stay of execution - bond required in civil matters.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the appeal bond necessary to stay execution during the course of all appeals or discretionary reviews of that judgment by any appellate court shall be set in accordance with applicable laws or court rules, except that the total appeal bond that is required of all appellants shall not exceed fifty million dollars (\$50,000,000) regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter orders that:

(1) Are necessary to protect the appellee; and

(2) Require the appellant to post a bond in an amount up to the total value of the judgment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all cases pending on or filed on or after that date.

On motion, the amendment was adopted.

Senator Haynes moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by adding the following new subsection to the amendatory Section 27-1-124 in Section 1:

(c) In the event this act is found to be in conflict with any rules prescribed by the Supreme Court, this act shall apply notwithstanding the provisions of Section 16-3-406.

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Thereupon, **Senate Bill No. 1687**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 1685** -- Insurance, Health, Accident -- Mandates insurance coverage for colorectal cancer early detection screenings; excludes TennCare. Amends TCA Title 56, Chapter 7, Part 23.

On motion, Senate Bill No. 1685 was made to conform with **House Bill No. 1099**.

On motion, House Bill No. 1099, on same subject, was substituted for Senate Bill No. 1685.

Senator Dixon moved that Amendment No. 1 be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 1099** passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 32 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**Senate Bill No. 918** -- Correctional Programs -- Allows TRICOR to develop procedures for recruiting and hiring qualified personnel. Amends TCA Section 41-22-407.

Senator Cohen moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting in its entirety subsection (e) of the amendatory language of Section 1 of the bill.

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 918**, as amended, passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 31 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 924** -- Alcoholic Beverages -- Redefines "museum" for authorization of sale and consumption of alcoholic beverages. Amends TCA Title 57, Chapter 4, Part 1.

**Senate Bill No. 924** passed its third and final consideration by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 22 |
| Noes ..... | 8  |

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Person, Ramsey and Mr. Speaker Wilder--22.

Senators voting no were: Beavers, Burks, Fowler, Herron, Kilby, Miller, Southerland and Williams--8.

A motion to reconsider was tabled.

**Senate Bill No. 1085** -- Computers and Electronic Processing -- Enacts "Tennessee Personal and Commercial Computer Act".

Senator Person moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by inserting the following new item to Section 2, to be designated appropriately:

( ) "Authorization" means any and all forms of consent, including both implicit and explicit consent;

AND FURTHER AMEND by deleting in the first sentence of Section 2(3) the word "permission" and by substituting instead the word "authorization".

AND FURTHER AMEND by deleting in Section 2(18) the word "permission" and by substituting instead the word "authorization".

AND FURTHER AMEND by deleting in Section 3(b)(3) the language "for the input of any computer contaminant" and by substituting instead the language "for the malicious input of any computer contaminant".

AND FURTHER AMEND by deleting Section 3(b)(4) and by substituting instead the following:

(4) Accesses, causes to be accessed, or attempts to access any computer software, computer network, or any part thereof, for the purpose of maliciously gaining access to computer material or to tamper maliciously with computer security devices, including, but not limited to, system hackers, commits a Class A misdemeanor; or

On motion, the amendment was adopted.

Senator Person moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by inserting the words "with the intent to disrupt, alter, misappropriate or commit fraud" between the words "transfer of funds" and the words "violates this" in item (a)(3) of Section 3 of the printed bill.

On motion, the amendment was adopted.

Senator Person moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:



SECTION \_\_\_\_\_. The transmission of electronic signals by a local exchange company to the extent that the local exchange company merely carries that transmission over its network shall not be deemed to be the transmission of unsolicited bulk electronic mail as prohibited by this act.

AND FURTHER AMEND by adding the following as an appropriately designated new subdivision of Section 2 of the printed bill as amended:

( ) "Local exchange company" includes telecommunications service providers as defined in Section 65-4-101; competing telecommunications service providers as such term is defined in Section 65-4-101; telephone cooperatives; cellular or other wireless telecommunications providers; and interactive computer service providers as defined in 47 USC § 230(f).

On motion, the amendment was adopted.

Thereupon, **Senate Bill No. 1085**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 31  
Noes . . . . . 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**Senate Bill No. 1088** -- Polygraph -- Revises licensure and disciplinary actions of polygraph examiners. Amends TCA Title 62, Chapter 27.

On motion, Senate Bill No. 1088 was made to conform with **House Bill No. 1634**.

On motion, House Bill No. 1634, on same subject, was substituted for Senate Bill No. 1088.

Senator Clabough moved to amend as follows:

#### AMENDMENT NO. 1

AMEND by deleting the language "to upgrade to" and substituting instead "for" in Section 7 (b).

AND FURTHER AMEND by deleting Section 13 in its entirety and by substituting instead the following:

SECTION 13. Tennessee Code Annotated, Section 62-27-123 (a)(1)(C), is amended by adding the language "unless the examinee is represented by legal counsel and such counsel requests the results be given to counsel rather than to the examinee" to the end of the subsection.

AND FURTHER AMEND by deleting Section 14 in its entirety and by substituting instead the following:

SECTION 14. Tennessee Code Annotated, Section 62-27-124 (b), is amended by deleting such subsection in its entirety.

AND FURTHER AMEND by deleting Section 15 in its entirety and by substituting instead the following:

SECTION 15. Tennessee Code Annotated, Section 62-27-125, is amended by deleting the subdivisions (1)(l), (2), and (3) in their entireties.

AND FURTHER AMEND by deleting Section 16 in its entirety and by substituting instead the following:

SECTION 16. Tennessee Code Annotated, Section 62-27-125(1), is amended by deleting the language of subdivision (F) in its entirety and by substituting instead the following:

(F) That the examinee or the examinee's attorney has the right to make an audio or video recording of the examination and pretest interview.

On motion, the amendment was adopted.

Thereupon, **House Bill No. 1634**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 31  
Noes . . . . . 1

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

Senator voting no was: Fowler--1.

A motion to reconsider was tabled.

## MOTION

Senator McNally moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 553**, out of order, which motion prevailed.

## RESOLUTION LYING OVER

**House Joint Resolution No. 553** -- Memorials, Recognition -- Veterans Flag Memorial Dedication in Madisonville, May 17, 2003.

On motion of Senator McNally, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 553** was concurred in.

A motion to reconsider was tabled.

**SENATE MESSAGE CALENDAR**

**HOUSE BILL ON SENATE AMENDMENT**

**House Bill No. 1408 -- Marriage --** Provides civil immunity for judges and other officers of court with respect to certain matters that may arise concerning roster of area course providers of marital preparation courses sufficient to exempt marriage license applicants from payment of certain fees. Amends TCA Section 36-6-413.

Senator Fowler moved to take from the table a motion to reconsider on **House Bill No. 1408**, which motion prevailed.

Senator Fowler moved that the Senate reconsider its action in passing House Bill No. 1408, which motion prevailed.

Senator Fowler moved that the Senate reconsider its action in adopting Amendment No. 1 to House Bill No. 1408, which motion failed by the following vote:

|                           |    |
|---------------------------|----|
| Ayes . . . . .            | 15 |
| Noes . . . . .            | 13 |
| Present, not voting . . . | 1  |

Senators voting aye were: Atchley, Beavers, Bryson, Cohen, Crowe, Fowler, Henry, Jackson, Ketron, Kurita, McNally, Norris, Person, Ramsey and Southerland--15.

Senators voting no were: Burchett, Crutchfield, Ford, Graves, Harper, Haynes, Herron, Kilby, Kyle, McLeary, Miller, Trail and Mr. Speaker Wilder--13.

Senator present and not voting was: Williams--1.

Thereupon, **House Bill No. 1408**, as amended, passed its third and final consideration by the following vote:

|                           |    |
|---------------------------|----|
| Ayes . . . . .            | 23 |
| Noes . . . . .            | 7  |
| Present, not voting . . . | 1  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Ford, Fowler, Graves, Henry, Jackson, Ketron, Kurita, McNally, Miller, Norris, Person, Ramsey, Southerland and Mr. Speaker Wilder--23.

Senators voting no were: Harper, Haynes, Herron, Kilby, Kyle, McLeary and Trail--7.

Senator present and not voting was: Williams--1.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

**Senate Bill No. 791** -- Clerks, Court -- Transfers, by July 1, 2006, juvenile court clerk functions from county clerk to general sessions court clerk in counties where general sessions court is also juvenile court. Amends TCA Section 37-1-210 and Section 37-1-211.

HOUSE AMENDMENT NO. 1

AMEND by adding the language "or the clerk and master" after the language "the clerk of the court of general sessions" in Section 1 of the bill.

Senator Person moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 791**, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 32 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

|                       |                       |
|-----------------------|-----------------------|
| <u>not less than:</u> | <u>nor more than:</u> |
| 14,300                | 14,400                |
| 27,700                | 27,800                |
| 11,369                | 11,450                |
| 5,500                 | 5,600                 |

Senator Person moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 791**, which motion prevailed by the following vote:

|            |    |
|------------|----|
| Ayes ..... | 32 |
| Noes ..... | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**HOUSE AMENDMENT NO. 3**

AMEND by deleting the section that reads as follows:

The provisions of this act shall not apply in any county having a population of not less than twenty-nine thousand eight hundred (29,800) nor more than twenty-nine thousand nine hundred (29,900) according to the 2000 federal census or any subsequent federal census.

Senator Person moved that the Senate concur in House Amendment No. 3 to **Senate Bill No. 791**, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 31 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

**HOUSE AMENDMENT NO. 4**

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Senator Person moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 791**, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 32 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--32.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 1399** -- Highway Signs -- "L. Don Ridgeway Bypass", S.R. 218 Bypass in Henry County.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 5 in its entirety and by substituting instead the following:

SECTION 5.

(1) This act shall become operative only if Henry County, Tennessee, either remit the estimated cost of the erection of such signs to the Department of Transportation within one (1) year of the effective date of this act or manufacture such signs in accordance with the provisions of subdivision (2). Henry County shall make such payment prior to any expenditure by the state for the manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Henry County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Henry County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Henry County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Herron moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1399**, which motion prevailed by the following vote:

|                |    |
|----------------|----|
| Ayes . . . . . | 31 |
| Noes . . . . . | 0  |

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 2021** was recalled from the Committee on Environment, Conservation and Tourism.

REFERRAL

On motion of Mr. Speaker Wilder, Senate Bill No. 2021 was referred to the Committee on Finance, Ways and Means.

MOTION

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 704 and 1685**.

**WEDNESDAY, MAY 14, 2003 -- 40TH LEGISLATIVE DAY**

On motion of Senator McNally, his name was added as sponsor of **Senate Bill No. 350; House Joint Resolutions Nos. 540, 541 and 553; and Senate Joint Resolution No. 413.**

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolution No. 540.**

On motion of Senator Cohen, his name was added as sponsor of **House Joint Resolution No. 541.**

On motion of Senator Trail, his name was added as sponsor of **Senate Bills Nos. 469, 1685 and 1805.**

On motion of Senator McLeary, his name was added as sponsor of **Senate Bill No. 1977.**

On motion of Senator Burks, her name was added as sponsor of **Senate Bill No. 1444.**

On motion of Senator Miller, his name was added as sponsor of **House Joint Resolution No. 553.**

**RECALL OF BILL**

On motion of Senator Jackson, **Senate Bill No. 1430** was recalled from the Committee on Judiciary.

**WITHDRAWAL OF BILL**

On motion of Senator Jackson, Senate Bill No. 1430 was withdrawn from the Senate.

**ENGROSSED BILLS**

May 14, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 14, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 918, 924, 1085, 1262, 1444, 1687 and 1935; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

May 14, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 392, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE HOUSE**

May 14, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 859, passed by the House.

BURNEY T. DURHAM,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

May 13, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 716, 806, 810, 1255, 1263, 1391, 1481, 2095, 2099, 2103, 2104, 2106, 2108 and 2112; for the signature of the Speaker.

BURNEY T. DURHAM,  
Chief Clerk.

**SIGNED**

May 14, 2003

The Speaker announced that he had signed the following: House Bills Nos. 716, 806, 810, 1255, 1263, 1391, 1481, 2095, 2099, 2103, 2104, 2106, 2108 and 2112.

**REPORT OF CHIEF ENGROSSING CLERK**

May 13, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 111, 281, 509, 806, 879, 940, 1471, 1862 and 1927; and Senate Joint Resolutions Nos. 399, 400, 401, 402, 403 and 404; for his action.

PATRICK W. MERKEL,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

May 13, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 1023; and Senate Joint Resolutions Nos. 282, 301, 302, 303, 304, 306, 309, 311, 312, 314, 315, 316, 317, 318, 319, 357, 384 and 437; with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.



**MESSAGE FROM THE GOVERNOR**

May 14, 2003

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 117 and 432, with his approval.

ROBERT E. COOPER, JR.,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 15, 2003: House Joint Resolutions Nos. 544, 545, 546, 547, 549, 550, 551, 552, 554, 555, 556, 557, 558 and 559; Senate Joint Resolutions Nos. 433, 434, 435 and 436; and Senate Resolutions Nos. 85 and 86.

This the 13th day of May, 2003.  
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 15, 2003: Senate Bills Nos. 1806, 38, 422, 1450, 1369, 1372, 1929, 168, 60, 61, 1149, 692, 1530, 626, 1857, 1197, 1773, 1595, 885, 1913 and 728; House Joint Resolution No. 425; Senate Bills Nos. 1583, 1981, 1374, 263, 438, 642, 733, 810, 926, 1647 and 1742; and House Bill No. 1116.

This the 14th day of May, 2003.  
CROWE, Chairperson.

**SENATE  
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Thursday, May 15, 2003: Senate Bill No. 1288.

**ADJOURNMENT**

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, May 15, 2003, which motion prevailed.